

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	:	Paul Navarro
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Examiner	:	Michael A. Cuff
Title	:	DATA CENTER FOR ACCOUNT MANAGEMENT
Attorney Docket No.	:	ISAA0010

Commissioner of Patents
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**REQUEST FOR CONTINUED EXAMINATION &
SUBMITTAL OF AFFIDAVIT UNDER 37 CFR 1.132 &
REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.111**

Introduction

This paper is filed in response to the final office action dated 8-24-2007 ("office action"). We enclose:

- A request for continued examination (RCE).
- An affidavit under 37 CFR 1.132 including a single exhibit (Exhibit A).

Rejection under 35 USC 102

The office action rejected claims 3, 8-9, 12-24, and 31 (all claims in the application) under 35 USC 102(b) as being unpatentable over the PR Newswire

Article dated June 29, 1999 (Press Release).

Of course, the language of the Press Release itself is not enabling as to the present invention, since it fails to provide enough information for an ordinarily skilled artisan to practice the claimed invention. The Press Release does not discuss details of how any products work. Rather, as Applicant understands it, the Examiner cited Press Release to show that the claimed invention was publicly used more than one year before the filing of the present application. [Office Action: page 2]

The Press Release touts the availability of certain customer relation management solutions of Fair Isaac Corporation (Fair Isaac), one of these including Fair Isaac's "TRIAD" adaptive control system, version 6.0. [Press Release: page 1] The present patent application indicates that one embodiment incorporates the "TRIAD" system, with the TRIAD 6.0 product being one example. [Specification: pages 3-4] Therefore, Applicant understands how confusion on this point may have arisen, leading to a mistaken impression as to the invention's public use.

It is emphasized, however, that the product development and release cycle as to Fair Isaac software includes a continuing stream of versions, and frequently, changes within a version that do not merit another version number. Many times, software developers and engineers prepare changes or add-ons to a software version before the next version is released. The changes may be released separately, or not, depending upon the circumstances.

In the present case, the specification's mention of TRIAD version 6.0 gives some useful context for describing the claimed features. Nevertheless, the present application sets forth numerous improvements to TRIAD version 6.0, which were not available in earlier versions of TRIAD version 6.0. To be clear, the claimed features were not present in the version of TRIAD 6.0 that was mentioned in the Press Release. To clarify this, and carefully explain the circumstances in greater detail, we submit an Affidavit under 37 CFR 1.132 by an expert employed by Fair Isaac.

Submittal Of Affidavit Under 37 CFR 1.132

The enclosed affidavit under 37 CFR 1.132 provides greater context for Press Release, and specifically establishes that the TRIAD version 6.0 product at the time of the Press Release did not incorporate features of the claimed invention. Indeed, the filing of the present application concerned a modification to the Press Release product, which was not released or publicly announced until after filing of the present application.

The affidavit was made by an expert at Fair Isaac, who was thoroughly knowledgeable of the Press Release product and the subsequent product addressed by the subject patent application.

Conclusion

As stated in the affidavit, features of claim 31 are lacking from the Press Release Product. Accordingly, claim 31 is patentable over the applied art. And, even without addressing the individual merits of the dependent claims, these claims are patentable over the applied art because they depend from claim 31 (which itself, is patentable).

Applicant requests favorable reconsideration and allowance of all claims in the application.

Fees

If any fees are required by this submission, an appropriate fee submittal sheet is enclosed herewith. If fees are required yet this sheet is inadvertently missing, or the fees are incorrect in amount, please charge the charge the required fees (or credit any overpayment) to Deposit Account No. 07-1445.

Respectfully Submitted,



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